

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

**PROVIDENT LIFE AND ACCIDENT  
INSURANCE COMPANY,**

**Plaintiff,**

**V.**

**JILL GARNER, JAN A. MIX, JOY L. MIX and )  
ANGELA L. MANTOVANI, )**

## Defendants.

**No. 08 C 3227**

**Judge Gottschall**

**Magistrate Judge Denlow**

**STATEMENT CONFIRMING THE DEPOSIT OF LIFE INSURANCE POLICY  
PROCEEDS WITH THE CLERK OF THE U.S. DISTRICT COURT**

Plaintiff, PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY

(“Provident Life”), by its attorneys, Michael J. Smith, Warren von Schleicher and Barrett W.

Thies, submits its Statement Confirming the Deposit of Life Insurance Policy Proceeds with the Clerk of the U.S. District Court, and states as follows:

1. On June 4, 2008, Provident Life filed its Complaint for Interpleader requesting the relief specified therein, pursuant to 28 U.S.C. §§1335 and 1397, and Fed. R. Civ. P 22.
2. On August 6, 2008, the court ordered Provident Life to deposit the proceeds of the life insurance policy issued to the decedent William Mix, plus interest earned, with the Clerk of the U.S. District Court by the close of business on August 27, 2008.
3. On August 27, 2008, Provident Life deposited with the Clerk of the U.S. District Court, monies in the amount of \$16,417.53 (representing the value of the decedent's individual life insurance policy plus interest in the amount of \$16,767.53 less \$350.00 in court costs pursuant to 28 U.S.C. §1335), which is legally due from Provident Life pursuant to the terms of the decedent's life insurance policy. (Copies of the August 6, 2008 Order, the check in the

amount of \$16,417.53 that was deposited with Clerk of the U.S. District Court and the receipt issued by the Clerk of the U.S. District Court in connection with the deposit are attached hereto as Exhibit A).

4. Provident Life has complied with the court's August 6, 2008 Order and requests that, pursuant to the court's August 6, 2008 order, the court enter an order dismissing Provident Life, with prejudice.

Respectfully submitted,

Michael J. Smith  
Warren von Schleicher  
Michael J. Smith & Associates  
39 S. LaSalle St., Suite 1005  
Chicago, Illinois 60603  
(312) 541-0300

By: /s/ Barrett W. Thies  
Attorney for Plaintiff, Provident Life and  
Accident Insurance Company

**CERTIFICATE OF SERVICE**

I hereby certify that, on August 27, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will serve the electronically filed document on the following attorneys of record:

Bernard P. Edelman  
Edelman & Partners  
77 W. Washington Street, Suite 1514  
Chicago, Illinois 60602  
[Edelman@xnet.com](mailto:Edelman@xnet.com)

Robert R. Teppel  
Law Offices of Robert R. Teppel  
111 W. Washington Street, Suite 1900  
Chicago, Illinois 60602  
[robertteppel@yahoo.com](mailto:robertteppel@yahoo.com)

In addition, I hereby certify that I have served a paper copy of the electronically filed document, via U.S. Mail, postage pre-paid, on the following:

Daniel M. Harrod  
Harrod Law Firm, P.C.  
107 East Eureka Avenue, #2  
Eureka, Illinois 61530-1296

Respectfully submitted,

/s/ Barrett W. Thies

Smith, von Schleicher & Associates  
39 S. LaSalle St., Suite 1005  
Chicago, Illinois 60603  
(312) 541-0300  
(312) 541-0933 Facsimile  
E-Mail: [barrett.thies@svs-law.com](mailto:barrett.thies@svs-law.com)  
ARDC# 6290905

# **EXHIBIT**

**A**

**United States District Court, Northern District of Illinois**

<b>Name of Assigned Judge or Magistrate Judge</b>	Joan B. Gottschall	<b>Sitting Judge if Other than Assigned Judge</b>	
<b>CASE NUMBER</b>	08 C 3227	<b>DATE</b>	8/6/2008
<b>CASE TITLE</b>	Provident Life & Accident Ins Co vs. Jill Garner, et al		

**DOCKET ENTRY TEXT**

Status hearing held on 8/6/2008. Defendants' motion for leave to appear as amended [7][8] is withdrawn. Plaintiff's oral motion to be dismissed as a party in this complaint is granted. Plaintiff, Provident Life and Accident Insurance Company is directed to deposit the amount of \$15,739.00 plus any interest earned, with the Clerk of Court no later than the close of business on 8/27/2008. After the deposit has been made plaintiff is hereby dismissed with prejudice from this action for all purposes other than the issue of attorneys fees. This complaint remains open as to all other parties. Status hearing continued to 9/3/2008 at 9:30 a.m.

Docketing to mail notices.

00:20

Courtroom Deputy Initials:	SB
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PAYEE	DATE	AMOUNT	CHECK NUMBER
CLERK, U.S. DISTRICT COURT	08/14/2008	*****16,417.53	0038300616

CASE NUMBER 08 C 3227  
WILLIAM MIX, 33434939701, LIFE POLICY

PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY

VBILA09762#ADACRR

ATTACHMENT

10C-MAP

PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY  
CHATTANOOGA, TN 37402

51-44/119

AUG 14, 2008

CHECK NO.  
0038300616

CASE NUMBER 08 C 3227  
WILLIAM MIX, 33434939701, LIFE POLICY

PAY 16,417 AND 53/100 -----DOLLARS

\*\*\*\*\*16,417.53\*\*

TO  
THE  
ORDER  
OF

CLERK, U.S. DISTRICT COURT  
EVERETTE MCKINLEY DIRKSEN, US COURTHOUSE  
219 SOUTH DEARBORN ST.  
CHICAGO IL 60604

VBILA09762

BANK OF AMERICA HARTFORD, CT



Court Name: Northern District of Illinois  
Division: 1  
Receipt Number: 4624007906  
Cashier ID: nfinley  
Transaction Date: 08/27/2008  
Payer Name: PROVIDENT LIFE INSURANCE CO.

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COMM REG MONEY MARKET  
For: PROVIDENT LIFE INSURANCE CO.  
Case/Party: D-ILN-1-08-CV-003227-001  
Amount: \$16,417.53  
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CHECK  
Check/Money Order Num: 0038300616  
Amt Tendered: \$16,417.53  
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Total Due: \$16,417.53  
Total Tendered: \$16,417.53  
Change Amt: \$0.00

BOND P/O JUDGE GOTTSCHALL 8/6/8

08C3227 PROVIDENT LIFE INSURANCE  
COMPANY \$ 16,417.53

Only when bank clears the check,  
money order, or verifies credit of  
funds is the fee or debt officially  
paid or discharged. A \$45 fee will  
be charged for a returned check